IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE NO.233 OF 2003
IN
AWARD DTATED 20TH MARCH, 2002

M/s.Sharad P. Doshi ..Complainants.

Vs.

M/s.Maratha Exhibitors ..Respondents.

Ms.Mamta A. Shah, Advocate for the Complainants.

Mr.R.L.Malgaonkar, Advocate for the Respondents.

Mr.Vaikunth Govind Parab, Judgment Debtor present.

CORAM: S.J.VAZIFDAR, J.
DATED: 25TH AUGUST, 2004.

P.C. :

The Respondent has handed over a pay order in the sum of Rs.1,00,000/- to the Complainant, subject to realization.

2. The Respondent further agrees and undertakes that an amount of Rs.1,00,000/- each shall be paid on 24th September, 2004, 24th October, 2004 and 24th November, 2004.

3. The learned counsel state that it is agreed between the parties that in the event of the

Respondent paying to the Complainant the said sum of Rs.4,00,000/- in the manner stated above the same will be accepted by the Complainant in full and final satisfaction of his claim and, thereupon, the decree shall be marked as fully satisfied.

4. It is further agreed that in the event of there being a single default of the payments referred to hereinafter, the Complainant shall be entitled to appropriate the amounts paid towards the part satisfaction of the entire decretal amount and continue to prosecute this notice as well as any other proceedings against the Respondent for the recovery of the entire decretal amount. In other words, in the event of default of payment of any part of Rs.4,00,000/- the Complainants shall not be restricted to claim only Rs.4,00,000/-.

5. The learned counsel appearing on behalf of the Respondent, on taking instructions from the Respondent, who is present in Court, undertakes not to dispose of, alienate, encumber, part with possession of create any third party right, title or interest in, to, upon or in respect of the property

viz. Maratha Cloth Stores, situated at Parab Chowk, Mazgaon, Mumbai 400 010 and Maratha Chitramandir, situated at Kudal 416 520 till further orders.

Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer.